REMARKS

This Amendment cancels claim 12 and rewrites claim 9. Claims 9 and 13-16 are pending.

This Amendment overcomes the objection to the drawings. More particularly, claim 9 has been rewritten to more clearly point out and distinctly claim an apparatus having at least one deep groove and at least two shallow grooves. It is believed the drawings fully illustrate the claimed apparatus. Reconsideration and withdrawal of the objection to the drawings are earnestly requested.

The 35 U.S.C. § 112, second paragraph, rejection of claims 9 and 12-16 is traversed. One of ordinary skill in the art would easily understand the metes and bounds of the claims. Moreover, the Patent Office's position that capillary action is always enabled to some extent is incorrect. No capillary action can take place and a liquid sample is moved only by gravity when the depth of a deep groove is sufficiently deep (2.5-3mm) and, there is a right angle separating the deep groove and the shallow groove. Reconsideration and withdrawal of the indefiniteness rejection of claims 9 and 12-16 are earnestly requested.

The 35 U.S.C. § 102(b) rejection of claims 9 and 12-16 over U.S. Patent No. 5,286,454 to Nilsson et al. is traversed. A feature of the claimed apparatus is a planar surface wherein at least two compartments are located, and which are defined by a partition. The compartments create a space which makes it possible to displace at least two liquid samples independently of one another, and comprise at least two different types of grooves: at least one deep groove capable of partitioning samples from one another, the depth and width of the deep groove in relation to the partition being such that capillary action is not enabled; and at least two shallow grooves, each of the shallow grooves being capable of receiving one of the two samples, respectively, the depth of the shallow grooves in relation to the partition being such that capillary action is enabled, with each shallow groove being adjacent to the deep groove.

The construction of the claimed device makes it possible to simultaneously displace at least two liquid samples independently of one another. In contrast, two liquid samples cannot be simultaneously and independently displaced in the Nilsson et al. device.

Nilsson et al. also fails to disclose the grooves feature of the claimed apparatus. Instead, this reference discloses a cuvette having different cavities (12, 17, 21, 28, etc.) linked by channels (14, 20, etc.). Based on Fig. 2 of Nilsson et al., the Patent Office argues that cavities 12, 16 and 17 are "grooves". However, these elements cannot fairly be considered to be grooves, i.e., long and narrow notches. The Merriam-Webster Collegiate Dictionary defines a groove as "a long narrow channel or depression". Based on Figs. 1 and 2 of Nilsson et al., it appears the length of cavity 12 is 1.3 times greater than its width. For channel 14, cavity 16 and cavity 17, the length appears to be 1.2 times, 1.3 times and 1.2 times greater, respectively. One of ordinary skill in the art would not consider compartments with such dimensions to be "grooves," as that term is defined by the Merriam-Webster Collegiate Dictionary.

The Patent Office has incorrectly compared Fig. 2 of Nilsson et al. with the present specification and especially with Figs. 2-6. Fig. 2 of Nilsson et al. is a longitudinal section of the embodiment disclosed in its Fig. 1 (Col. 3, lines 14-15). Thus, Fig. 2 represents the different cavities and channels according to their longitudinal axis, which is parallel to the axis of the displacement of the liquid in the cavities and channels. In other

words, in the cuvette represented by Fig. 2, the liquid flows according to the longitudinal axis of the figure, passing from a shallow cavity (12 or 16) to a deep one (14 or 17) and conversely. The liquid does not remain in a shallow cavity whilst it is flowing.

In contrast, Fig. 2 of the present application is a cross-sectional view of Fig. 1, while Figs. 3-6 are cross-sectional views of other embodiments. As depicted in these figures, the liquid samples flow according to a plan or an axis which is perpendicular to the axis of cross-section A-A.

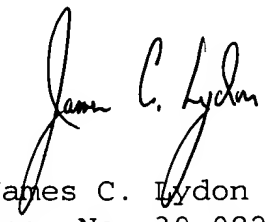
Reconsideration and withdrawal of the anticipation rejection of claims 9 and 12-16 over Nilsson et al. are earnestly requested.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 9 and 12-16, and issuance of a Notice of Allowance directed to claims 9 and 13-16, are earnestly requested. The Examiner is urged to telephone the undersigned should she believe any further action is required for allowance.

Fees for a one month Extension of Time and a Request for Continued Examination are attached. It is not believed any additional fee is required for entry and consideration of this

Amendment. Nevertheless, the Commissioner is requested to charge any such required fee to our Deposit Account No. 50-1258.

Respectfully submitted,



James C. Lydon
Reg. No. 30,082

Atty. Docket No.: **BONN-060**
100 Daingerfield Road
Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447

Enclosures:
Petition for Extension of Time
Request for Continued Examination